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HARRISBURG, PA

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MARY E. DIAMOREA, CLERK
Per MA
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEFFERY D. ALBRIGHT, et al.

Plaintiffs

v.

DANIEL A. VIRTUE, et al.

Defendants

Case No. 1:CV-00-878

Judge Sylvia H. Rambo

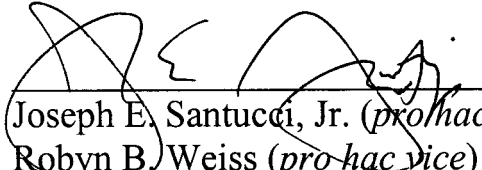
**DEFENDANT ABF FREIGHT SYSTEM, INC.'S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant ABF Freight System, Inc. ("ABF") hereby moves for Summary Judgment on all claims in Plaintiffs' Complaint. As demonstrated in ABF's accompanying Memorandum of Points and Authorities, Plaintiffs have failed to present any evidence to show that Defendant ABF breached the terms of the National Master Freight Agreement or that Defendants Virtue, Teamsters Local 776, and the International Brotherhood of Teamsters breached their duty of fair representation. ABF respectfully requests

that this Court grant ABF's Motion for Summary Judgment and dismiss all of Plaintiffs' claims in their entirety.

Respectfully submitted,

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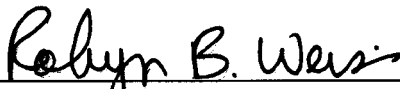
Joseph E. Santucci, Jr. (*pro hac vice*)
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Attorneys for Defendant
ABF Freight System, Inc.

Dated: November 21, 2002

CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE

I, Robyn B. Weiss, certify that on November 20, 2002, I contacted Robert S. Mirin, counsel for Plaintiffs, who informed me that Plaintiffs do not concur in this motion. On November 21, 2002, I contacted Jason Weinstock, Counsel for Virtue, Local 776, International Brotherhood of Teamsters and the International Brotherhood of Teamsters, who informed me that Defendants Virtue, Local 776, and the IBT concur in this motion.



Robyn B. Weiss

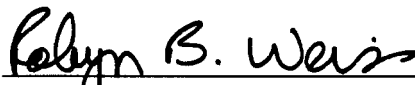
CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November 2002, a copy of Defendant ABF Freight System, Inc.'s Motion for Summary Judgment, ABF Freight System, Inc.'s Memorandum of Points and Authorities in Support of Motion for Summary Judgment, ABF Freight System, Inc.'s Statement of Undisputed Facts in Support of Motion for Summary Judgment, ABF's Exhibits in Support of Motion for Summary Judgment, and Recommended Order were served via overnight delivery on the following:

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